

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

GLOBALFOUNDRIES U.S. INC.,

Plaintiff,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

Special Pro. No.: 1:24-cv-490

[Case No. 7:23-cv-03348-KMK-
AEK Pending in the Southern
District of New York]

**DECLARATION OF KRISHNAN PADMANABHAN IN SUPPORT OF
MOTION TO QUASH AND FOR PROTECTIVE ORDER**

I, Krishnan Padmanabhan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney with the law firm of Winston & Strawn LLP and am counsel for non-party Kazunari Ishimaru with application to appear *pro hac vice* in this matter submitted herewith. I have personal knowledge of the matters set forth in this declaration. I offer this declaration in support of Non-Party Kazunari Ishimaru's Motion to Quash and for Protective Order.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Notice of Subpoena to Testify at a Deposition in a Civil Action having the caption *GlobalFoundries U.S. Inc. v. Int'l Business Machines Corp.*, Civil Action No. 7:23-

cv-03348-KMK-AEK (S.D.N.Y.), dated October 30, 2024 and issued by GlobalFoundries U.S., Inc.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the Complaint filed by GlobalFoundries U.S. Inc. in the underlying litigation having the caption *GlobalFoundries U.S. Inc. v. Int’l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.) (ECF No. 1).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Subpoena *Duces Tecum* to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action having the caption *GlobalFoundries U.S. Inc. v. Int’l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.), served on Non-Party Rapidus US, LLC, dated January 16, 2024 and issued by GlobalFoundries U.S., Inc.

5. Attached hereto as **Exhibit 4** is a true and correct copy of Non-Party Rapidus US, LLC’s Objections to GlobalFoundries U.S. Inc.’s Subpoena *Duces Tecum* in the litigation having the caption *GlobalFoundries U.S. Inc. v. Int’l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.), dated January 30, 2024.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the letter brief supporting GlobalFoundries U.S., Inc.’s motion to compel Non-Party Rapidus US, LLC to produce documents filed July 11, 2024 in the proceeding captioned filed

with case caption *GlobalFoundries US Inc. v. Int'l Business Machines Co.*, No. 7:24-mc-00292-KMK-AEK (S.D.N.Y.) (ECF No. 15), and related to the litigation having the caption *GlobalFoundries U.S. Inc. v. Int'l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.).

7. Attached hereto as **Exhibit 6** is a true and correct copy of the letter brief in opposition of GlobalFoundries U.S., Inc.'s motion to compel Non-Party Rapidus US, LLC to produce documents filed July 24, 2024 in the proceeding captioned filed with case caption *GlobalFoundries US Inc. v. Int'l Business Machines Co.*, No. 7:24-mc-00292-KMK-AEK (S.D.N.Y.) (ECF No. 17), and related to the litigation having the caption *GlobalFoundries U.S. Inc. v. Int'l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.).

8. Attached hereto as **Exhibit 7** is a true and correct copy of the reply letter brief in support of GlobalFoundries U.S., Inc.'s motion to compel Non-Party Rapidus US, LLC to produce documents filed July 24, 2024 in the proceeding captioned filed with case caption *GlobalFoundries US Inc. v. Int'l Business Machines Co.*, No. 7:24-mc-00292-KMK-AEK (S.D.N.Y.) (ECF No. 21), and related to the litigation having the caption *GlobalFoundries U.S. Inc. v. Int'l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.).

9. Attached hereto as **Exhibit 8** is a true and correct copy of the Revised Case Management and Scheduling Order entered by the court May 16, 2024 in the

litigation having the caption *GlobalFoundries U.S. Inc. v. Int’l Business Machines Corp.*, Civil Action No. 7:23-cv-03348-KMK-AEK (S.D.N.Y.) (ECF No. 372).

10. Attached hereto as **Exhibit 9** is a true and correct copy of electronic correspondence between Corey Calabrese and Krishan Padmanabhan with the subject: “RE: GlobalFoundries-IBM: Attempted Service on Kazunari Ishimaru” dated between November 8, 2024 and November 14, 2024.

11. Attached hereto as **Exhibit 10** is a true and correct copy of electronic correspondence between Pietro Signoracci, counsel of record for IBM, and Krishan Padmanabhan with the subject: “Common Interest // RE: GlobalFoundries v. IBM | Subpoenas” dated between October 31, 2024.

12. On October 31, 2024, I spoke telephonically with Pietro Signoracci, counsel of record for IBM, in the underlying litigation. He informed me that as of that date, the parties to the litigation had not yet taken any depositions, and had not provided any such indication that they intend to take depositions in the near-term.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: November 15, 2024

By: s/ Krishnan Padmanabhan
Krishnan Padmanabhan